

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARON M. PRESTLEY, SR.,

Plaintiff,

No. CIV S-11-0071 GGH P

vs.

KAMALA D. HARRIS, et al.,

Defendants.

ORDER

_____/

Plaintiff, a federal prisoner proceeding pro se, has filed a civil rights action.^{1 2}

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is

¹ “In the limited settings where *Bivens* does apply, the implied cause of action is the ‘federal analog to suits brought against state officials under...42 U.S.C. § 1983.’” Ashcroft v. Iqbal, 129 S. Ct. 1937, 1948 (2009). See also, Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388, 91 S.Ct. 1999 (1971).

² The court notes that plaintiff has not, however, filed an in forma pauperis affidavit or paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a).

1 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

2 In this case, none of the defendants reside in this district. The claim arose in San
3 Francisco County, which is in the Northern District of California. Therefore, plaintiff’s claim
4 should have been filed in the United States District Court for the Northern District of California.
5 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
6 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
7 1974).

8 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
9 United States District Court for the Northern District of California.

10 DATED: January 19, 2011

11 /s/ Gregory G. Hollows

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13 GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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